

Top 10 Reasons Formal Briefs are Rejected

1. A proof of service does not accompany the Appendix. *Fed. R. App. Proc. 25(d)*.
2. Footnotes are not printed in the same size font as the text of the brief. *Practice Note to Rule 32*.
3. The brief does not contain a certificate of interest. *Fed. Cir. R. 28(a)(1)*.
4. The cover of the brief does not follow the official caption provided by the Clerk. *Fed. R. App. Proc. 32(a)(2)(A – D)*. A copy of the official caption should be received with the notice of docketing.
5. The brief contains an impermissible addendum. Excluding the required addendum in the Appellant or Petitioner's brief, an addendum attached to any other brief is acceptable if it contains only statutes, rules, regulations, etc. *Fed. R. App. Proc. 28(f)*.
6. The table of contents of any non-confidential brief or appendix must describe the general nature of the confidential material that has been deleted. *Fed. Cir. R. 28(d)(1)(B) and Fed. Cir. R. 30(h)(1)(B); Example in Practice Note 28*.
7. The Appellant or Petitioner's brief does not contain the judgment, order, or opinion in question as an addendum placed last within the brief. *Fed. Cir. R. 28(a)(12)*.
8. The brief does not contain a statement of related cases. *Fed. Cir. R. 28(a)(4)*.
9. The appendix must begin with a table of contents identifying the page at which each part begins. *Fed. R. App. Proc. 30(d)*.
10. When the brief and appendix are combined, the cover must so indicate. *Fed. Cir. R. 30(d)(1)*.

October 26, 2006